

4VAC15-90-80

Game: Deer: Muzzleloading gun hunting.

Summary:

The proposal is to (i) make both the early and late muzzleloading seasons full season either-sex deer hunting on private lands in Augusta County, (ii) add one either-sex deer hunting day on private lands in Dickenson County during the early muzzleloading deer season, (iii) clarify that four different types of muzzleloading guns are legal during the muzzleloading deer season(s), (iv) change the minimum caliber for muzzleloading rifles from .45 to .40 caliber and (v) address the pending change to the Code of Virginia which would require that only the projectile be loaded from the muzzle for muzzleloading rifles and muzzleloading shotguns.

Proposed language of amendment:

4VAC15-90-80. Muzzleloading gun hunting.

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 21 consecutive days immediately prior to and on the first Saturday in January:

1. In all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County);
2. East of the Blue Ridge Mountains in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick;
3. On national forest lands in Frederick County; and
4. In the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken during the entire early special muzzleloading season east of the Blue Ridge Mountains unless otherwise noted in this subsection:

1. Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Oconeechee State Park), department-owned lands (except on Merrimac Farm Wildlife Management Area), and Philpott Reservoir.
2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season on national forest lands in Amherst, Bedford, and Nelson Counties.

D. Deer of either sex may be taken on the second Saturday only during the early special muzzleloading season west of the Blue Ridge Mountains unless otherwise noted in this subsection.

1. Deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd Counties and on private lands in Augusta, Botetourt, Carroll, Frederick, Grayson, Montgomery, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Scott, Shenandoah, Warren, and Wythe Counties.

2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season in Buchanan, on federal and department-managed lands in Dickenson, Lee, Russell, Tazewell, and Wise Counties and on national forest lands in Alleghany, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Page, Pulaski, Rockingham, Scott, Shenandoah, and Warren Counties, and on national forest and department-owned lands in Augusta, Bath, Botetourt, Carroll, Highland (except Highland Wildlife Management Area), Roanoke, Rockbridge, Smyth, Washington, and Wythe Counties and on Channels State Forest, Grayson Highlands State Park, Hungry Mother State Park, and on private lands west of Routes 613 and 731 in Rockingham County.

E. Deer of either sex may be taken during the last six days of the late special muzzleloading season unless otherwise listed in this subsection:

1. Deer of either sex may be taken full season during the entire late special muzzleloading season in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River, except on national forest lands), Bedford (except on national forest lands), Floyd, Franklin, Henry, Nelson (west of Route 151, except on national forest lands), and Patrick and on private lands in Augusta, Botetourt, Carroll, Grayson, Montgomery, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Shenandoah, Warren, and Wythe Counties.

2. Deer of either sex may be taken the last day only during the late special muzzleloading season in Alleghany, Bath, Dickenson, Highland, Lee, Russell, Tazewell, and Wise Counties and on national forest lands in Amherst, Bedford, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Nelson, Page, Pulaski, Rockingham, Scott, Shenandoah, and Warren Counties, and on national forest and department-owned lands in Augusta, Botetourt, Carroll, Roanoke, Rockbridge, Smyth, Washington, and Wythe Counties and on private lands west of Routes 613 and 731 in Rockingham County, Channels State Forest, Grayson Highlands State Park, and Hungry Mother State Park.

3. Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading season in Buchanan County.

F. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the Cities of Chesapeake, Suffolk, and Virginia Beach.

G. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

H. ~~A muzzleloading gun, for the purpose of this section, means a single shot weapon 45-caliber or larger, firing a single projectile or sabot (with a .35-caliber or larger projectile) where the propellant and projective are loaded from the muzzle of the weapon. include:~~

1. single shot muzzleloading rifles .40 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the projectile is loaded from the muzzle;

2. muzzleloading shotguns (one or more barrels) not larger than 10 gauge where the projectiles are loaded from the muzzle;
3. muzzleloading pistols (one or more barrels) .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per barrel where the propellant and projectile are loaded from the muzzle;
4. muzzleloading revolvers .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per cylinder where the propellant and projectile are loaded from the forward end of the cylinder.

I. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

Rationale:

Augusta County. The private land deer population in Augusta County is currently above the desired deer population management objective in the Department's deer management plan. The addition of these additional either-sex deer hunting days should assist in bringing the deer population back down to its desired level.

Dickenson County. The private land deer population in Dickenson County is currently at its desired deer population objective in the Department's deer management plan; however, local staff feels that additional either-sex deer hunting opportunities can be provided at this time. Either-sex deer hunting regulations in this county have traditionally been very conservative. Currently, with the exception of the either-sex October archery season, only the last day of the late muzzleloading season is an either-sex deer hunting day (countywide; private lands and public lands). This will increase the number of muzzleloading either-sex deer hunting days on private lands in Dickenson from one to two days.

Defining legal muzzleloading guns. In the past, section H of the muzzleloading gun hunting regulation has been assumed to apply only to muzzleloading rifles. However, the Code of Virginia allows for four different types of muzzleloading guns for deer hunting in Virginia. The proposed changes will clarify what types of muzzleloading guns are legal for deer hunting during the muzzleloading deer season(s) and describe any special restrictions.

Changing the minimum muzzleloading rifle caliber from 45 to 40 caliber. This is a technical change that is not a substantive change, because in fall 2017 the Department changed the single projectile (or sabot) size for muzzleloading rifles down to less than or equal to 35 caliber. This change will accommodate a new 40-caliber muzzleloading rifle that has just come on the market (<https://cva.com/product-line/paramount-htr-rifle/>).

New FireStick Muzzleloading Technology/Rifle. If passed, 2021 House Bill 2298 (<https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2298>) changes the legal definition of a muzzleloading rifle and muzzleloading shotgun to note that only the projectile (or projectiles) has to be loaded from the muzzle of the gun. Previously, both the propellant and projectile had to be loaded from the muzzle of the gun. This change will make a new Federal FireStick technology (<https://www.federalpremium.com/firestick.html>) legal for muzzleloading rifles in Virginia (<https://www.traditionsfirearms.com/category/nitrofire-muzzleloader-series>) where the propellant is loaded from the rear of the barrel.